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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,208	04/14/2004	Quenton L. Gilbert	C02-0005-001	6064
33190 7590 07/03/2007 CINGULAR WIRELESS LLC 5565 GLENRIDGE CONN., #1725A C/O LINDA GILES, PATENT MANAGER ATLANTA, GA 30342			EXAMINER HASHEM, LISA	
			ART UNIT 2614	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,208	Applicant(s) GILBERT, QUENTON L.	
	Examiner Lisa Hashem	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see RCE, filed 5-22-07, with respect to the rejection(s) of claim(s) 1-9 and 11-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 recites the limitation "the second destination". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-11, 12-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of U.S. Pat. No. 6,203,192 by Fortman.

Regarding claim 1, Rodriguez discloses a method of routing a text message to an alternate destination associated with a called party where a first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30) comprising the steps of:

Art Unit: 2614

storing and maintaining a database (col. 4, lines 20-38; col. 7, lines 2-14) of customer-provided information including an alternate destination (e.g. pager) and corresponding routing information (e.g. alternate phone number) associated with each type of destination device, and formatting information, the routing information comprising a directory number (col. 2, lines 54-64; col. 4, lines 20-38; col. 7, lines 2-14);

receiving a call to the first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30); based on the unavailability of the first destination, requesting a voice message from the calling party (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);

receiving the voice message provided by the calling party (col. 3, lines 46-65; col. 4, line 44 – col. 5, line 30);

converting the voice message into a text message (col. 6, line 66 – col. 8, line 3);

searching the database of customer-provided information (col. 4, lines 20-38; col. 7, lines 2-14);

retrieving routing information from the database for an alternate communication device associated with the alternate destination of the called party;

formatting the text message in an appropriate text format required by the alternate destination (col. 4, lines 20-38); and

forwarding the text message to the alternate destination associated with the alternate destination communication device of the called party (col. 6, line 66 – col. 8, line 3).

Rodriguez clearly discloses routing a text message to an alternate destination associated with a called party where a first destination is unavailable and a database including customer-provided information and routing information. However, Rodriguez does not disclose storing in

Art Unit: 2614

the database information including formatting information associated with each type of alternate destination device.

Fortman discloses a method of routing a text message to an alternate destination associated with a called party comprising the steps of:

storing and maintaining a database of customer-provided information including an alternate destination and corresponding routing information and formatting information associated with each type of destination device (e.g. ADSI telephone, GSM mobile unit, Internet terminal, facsimile machine, different type of subscriber equipment), the routing information comprising a directory number (col. 3, line 53 – col. 5, line 28; col. 6, line 59 – col. 7, line 30);

receiving a call associated with a called party initiated by a calling party (col. 3, line 53 – col. 5, line 28; col. 6, line 59 – col. 7, line 30);

receiving the voice message provided by the calling party (col. 4, lines 33-42);

converting the voice message into a text message (col. 4, lines 43-48);

searching the database of customer-provided information;

retrieving routing information from the database for an alternate communication device associated with the alternate destination of the called party;

formatting the text message in an appropriate text format required by the alternate destination;

and forwarding the text message to the alternate destination associated with the alternate destination communication device of the called party (col. 3, line 53 – col. 5, line 28; col. 6, line 59 – col. 7, line 30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rodriguez to include storing in the database information

Art Unit: 2614

including formatting information associated with each type of alternate destination device as taught by Fortman. One of ordinary skill in the art would have been lead to make such a modification to store different formatting information associated with different destination devices in order to automatically route a message since a determination can be made how to format a message is available without prompting a subscriber.

Regarding claim 2, the method of Claim 1, wherein Rodriguez further discloses the plurality of alternate destination communication devices are capable of receiving text messages (col. 3, lines 54-56; col. 6, line 66 – col. 8, line 3).

Regarding claim 3, the method of Claim 2, wherein Rodriguez further discloses the plurality of alternate destination communication devices can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (col. 6, line 66 – col. 8, line 3).

Regarding claim 4, the method of Claim 1, wherein Rodriguez further discloses further comprising the step of receiving additional information from the calling party (col. 3, lines 35-65).

Regarding claim 6, the method of Claim 4, wherein Rodriguez further discloses the additional information comprises an identification of the calling party (col. 4, line 61 – col. 5, line 30).

Regarding claim 7, the method of Claim 1, wherein Rodriguez further discloses the requesting step is performed in response to a Busy/No Answer trigger (col. 3, lines 35-45).

Art Unit: 2614

Regarding claim 8, the method of Claim 1, wherein Rodriguez further discloses further comprising the step of receiving routing information of the alternate destination from the called party (col. 6, line 66 – col. 8, line 3).

Regarding claim 9, the method of Claim 1, wherein Rodriguez further discloses the step of disconnecting the calling party after receiving the voice message provided by the calling party (col. 4, line 44 – col. 5, line 30).

Regarding claim 11, the method of Claim 1, wherein Rodriguez further discloses further comprising the step of receiving a personal identification number, wherein the personal identification number determines which one of the plurality of alternate destination communication devices comprises the alternate destination (col. 2, lines 54-64; col. 6, lines 16-27).

Regarding claim 12, Rodriguez discloses a system of routing a text message to an alternate destination associated with a called party where a first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30) comprising the steps of:

A first switch (Fig. 1a, 110) for receiving a call to a first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);

A network element (Fig. 1a, 140), coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30); receiving the voice message provided by the calling party (col. 3, lines 46-65; col. 4, line 44 – col. 5, line 30);

Art Unit: 2614

a voice recognition means, coupled to the network element (col. 7, lines 30-35), for converting the voice message into a text message based on determining an appropriate text format required by the alternate destination (col. 6, line 66 – col. 8, line 3),

a database (col. 4, lines 20-38; col. 7, lines 2-14) for retaining and selecting customer-provided information including one or more alternate destinations (e.g. pager) and their corresponding routing information (e.g. alternate phone number) associated with each type of a plurality of alternate destination communication devices associated with a respective

plurality of subscribers, the routing information for each communication device including:

a list of directory numbers for corresponding alternate destination communication devices (col. 7, lines 2-14);

formatting information, the formatting information comprising an appropriate text format required for each communication device selectable as the alternate destination and retrieved by the

voice recognition means (col. 2, lines 54-64; col. 4, lines 20-38; col. 7, lines 2-14); the system further comprising

a second switch (Fig. 1b, 150), coupled to the network element, wherein the network element forwards the appropriately formatted text message to the alternate destination associated with the called party via the second switch (col. 6, line 66 – col. 8, line 3).

Rodriguez clearly discloses routing a text message to an alternate destination associated with a called party where a first destination is unavailable and a database including customer-provided information and routing information. However, Rodriguez does not disclose storing in

Art Unit: 2614

the database information including formatting information for corresponding alternate destination devices.

Fortman discloses a system of routing a text message to an alternate destination associated with a called party comprising the steps of:

A first switch for receiving a call to a first destination associated with a called party initiated by a calling party (col. 3, line 53 – col. 5, line 28; col. 6, line 59 – col. 7, line 30);

A network element, coupled to the first switch, for receiving the voice message provided by the calling party (col. 4, lines 33-42);

a voice recognition means, coupled to the network element, for converting the voice message into a text message based on determining an appropriate text format required by the alternate destination (col. 4, lines 43-48),

a database for retaining and selecting customer-provided information including one or more alternate destinations (e.g. e.g. ADSI telephone, GSM mobile unit, Internet terminal, facsimile machine, different type of subscriber equipment) and their corresponding routing information associated with each type of a plurality of alternate destination communication devices associated with a respective plurality of subscribers (col. 3, line 53 – col. 5, line 28; col. 6, line 59 – col. 7, line 30), the routing information for each communication device including:

formatting information for the corresponding alternate destination communication devices, the formatting information comprising an appropriate text format required for each communication device selectable as the alternate destination and retrieved by the voice recognition means; the system further comprising

Art Unit: 2614

a second switch, coupled to the network element, wherein the network element forwards the appropriately formatted text message to the alternate destination associated with the called party via the second switch (col. 3, line 53 – col. 5, line 28; col. 6, line 59 – col. 7, line 30).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rodriguez to include the database information including formatting information for corresponding alternate destination devices as taught by Fortman. One of ordinary skill in the art would have been lead to make such a modification to store different formatting information associated with different destination devices in order to automatically route a message since a determination can be made how to format a message is available without prompting a subscriber.

Regarding claim 13, the system of Claim 12, wherein Rodriguez further discloses the network element (Fig. 1a, 140) inherently comprises a service node (col. 3, line 35 – col. 4, line 38).

Regarding claim 14, the system of Claim 12, wherein Rodriguez further discloses the second destination communication device is capable of receiving text messages (col. 3, lines 54-56; col. 6, line 66 – col. 8, line 3).

Regarding claim 15, the system of Claim 14, wherein Rodriguez further discloses the communication device can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (col. 6, line 66 – col. 8, line 3).

Regarding claim 16, the system of Claim 12, wherein Rodriguez further discloses the network element further performs the function of receiving additional information from the calling party (col. 3, lines 35-65).

Art Unit: 2614

Regarding claim 17, the system of Claim 16, wherein Rodriguez further discloses the additional information comprises an identification of the calling party (col. 4, line 61 – col. 5, line 30).

Regarding claim 19, the system of Claim 12, wherein Rodriguez further discloses the network element receives routing information of the alternate destination from the called party and stores the routing information in the database (col. 6, line 66 – col. 8, line 3).

Regarding claim 20, the system of Claim 12, wherein Rodriguez further discloses the network element disconnects the calling party after receiving the voice message provided by the calling party (col. 4, line 44 – col. 5, line 30).

6. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Fortman, as applied to claim 4 and 16, respectively, in view of U.S. Patent No. 6,085,231 by Agraharam et al, hereinafter Agraharam ('231).

Regarding claim 5, the method of Claim 4, wherein Rodriguez in view of Fortman do not disclose the additional information comprises routing information of the alternate destination associated with the called party.

Agraharam ('231) discloses a method of routing a text message to an alternate destination associated with a called party where a first destination is unavailable (see Abstract) comprising the steps of:

receiving a call to the first destination (Fig. 1, 104) associated with a called party initiated by a calling party (Fig. 1, 101), wherein the first destination is unavailable;
based on the unavailability of the first destination, requesting a voice message from the calling party;

Art Unit: 2614

receiving the voice message provided by the calling party (col. 2, lines 32-42);
converting the voice message into a text message based on determining an appropriate text
format required by the alternate destination (Fig. 1, 116; col. 1, lines 28-31; col. 1, lines 44-48);
and
forwarding the text message to the alternate destination associated with the called party, wherein
the alternate destination can be a communications device (col. 2, line 43 – col. 3, line 44).

Wherein Agraharam ('231) further discloses the additional information comprises routing
information of the alternate destination associated with the called party (col. 2, line 61 – col. 3,
line 29).

It would have been obvious to one of the ordinary skill in the art at the time the invention
was made to modify the method of Rodriguez in view of Fortman to include the additional
information comprises routing information of the alternate destination associated with the called
party as taught by Agraharam ('231). One of ordinary skill in the art would have been lead to
make such a modification to permit a calling party to transmit a message to a device that the
calling party believes will result in successful transmission of the message to the called party.

Regarding claim 18, the system of Claim 16, wherein Rodriguez in view of Fortman do
not disclose the additional information comprises routing information of the alternate destination
associated with the called party.

Agraharam ('231) further discloses a system for routing a text message to a alternate
destination (Fig. 1, 116) associated with a called party where a first destination is unavailable
(see Abstract) comprising:

Art Unit: 2614

a first switch (Fig. 1, 105) for receiving a call to a first destination (Fig. 1, 104) associated with a called party initiated by a calling party (Fig. 1, 101), wherein the first destination is unavailable (col. 2, lines 22-34);

a network element (Fig. 1, 106), coupled to the first switch (via the IXC network), for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 2, lines 32-42);

a voice recognition means (Fig. 1, 107), coupled to the network element, for converting the voice message to a text message based on determining an appropriate text format required by the alternate destination (col. 1, lines 28-31; col. 1, lines 44-48); and

a second switch (Fig. 1, 115), coupled to the network element (via the Internet), wherein the network element forwards the text message to a alternate destination associated with the called party via the second switch, wherein the alternate destination can be a communication device (col. 3, lines 15-44).

Wherein Agraharam ('231) further discloses the additional information comprises routing information of the alternate destination associated with the called party (col. 2, line 61 – col. 3, line 29).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rodriguez in view of Fortman to include the additional information comprises routing information of the alternate destination associated with the called party as taught by Agraharam ('231). One of ordinary skill in the art would have been lead to make such a modification to permit a calling party to transmit a message to a device that the calling party believes will result in successful transmission of the message to the called party.

Art Unit: 2614

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2614

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
June 22, 2007


EUI TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600